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U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TJK/174

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

09/831489

INTERNATIONAL APPLICATION NO.

PCT/NZ99/00188

INTERNATIONAL FILING DATE

10 November 1999

PRIORITY DATE CLAIMED

10 November 1998

TITLE OF INVENTION

METHOD OF PACKAGING SOLVENT OR WATER BASED FORMULATIONS TO REDUCE...

APPLICANT(S) FOR DO/EO/US

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☒ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
 - *Form PCT/IB/346
 - *Form PCT/ISA/220
 - *Form PCT/IPEA/416
 - *Form PCT/RO/101
 - *Certificate of Express Mail EL304145919US
 - *Check in the amount of \$2,024.00
 - *Return postcard

U.S. APPLICATION NO. (if known, see 37 CFR 1.57) 09/831489		INTERNATIONAL APPLICATION NO. PCT/NZ99/00188		ATTORNEY'S DOCKET NUMBER TJK/174	
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21. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. \$1000.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$860.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$710.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$690.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT =				CALCULATIONS PTO USE ONLY	
				\$ 1,000.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	68 - 20 =	48	x \$18.00	\$ 864.00	
Independent claims	5 - 3 =	2	x \$80.00	\$ 160.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$2,024.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
SUBTOTAL =				\$2,024.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$2,024.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	
TOTAL FEES ENCLOSED =				\$2,024.00	
				Amount to be refunded: \$	
				charged: \$	

a. ☒ A check in the amount of \$ 2,024.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
 A duplicate copy of this sheet is enclosed.

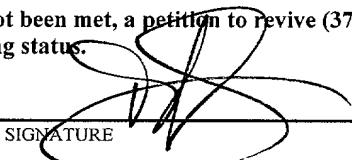
c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any
 overpayment to Deposit Account No. 23-2126 A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card
 information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR
 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO

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 225 West Wacker Drive
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SIGNATURE 

 NAME Timothy J. Keefer

35567

 REGISTRATION NUMBER

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Patent Application of:

Anthony K. Van Dyk, et al.

Atty. Docket No. TJK/174

Serial No. Not Yet Known

Group Art Unit: Not Yet Known

Filed: May 2, 2001

Examiner: Not Yet Known

Title: METHOD OF PACKAGING SOLVENT OR WATER BASED FORMULATIONS TO
REDUCE SKINNING

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May 2, 2001

Hon. Commissioner for Patents & Trademarks
Washington, D.C. 20231

Sir:

PRELIMINARY AMENDMENT

Before examining the above-referenced application, the Examiner is requested to enter
the following amendments:

IN THE CLAIMS

Please cancel claims 1-51.

Please enter the following new claims:

52. A container having an internal surface and an external surface adapted to contain a
water-based formulation and its related vapors, the container comprising:

an anti-skinning layer located on at least a portion of the internal surface, wherein the
anti-skinning layer is capable of retaining a layer of the formulation without excluding the
formulation vapor in the container from contacting the formulation.

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53. The container of claim 52 wherein the formulation is solvent based.

54. The container of claim 52 wherein:

the formulation has a certain concentration; and

the anti-skinning layer substantially maintains the concentration of any of the formulation retained on the anti-skinning layer.

55. The container of claim 52 wherein the anti-skinning layer is textured.

56. The container of claim 52 wherein the anti-skinning layer is a gauze lining.

57. The container of claim 52 wherein the anti-skinning layer is a foam lining.

58. The container of claim 52 wherein the anti-skinning layer has insulative properties.

59. The container of claim 52 wherein the anti-skinning layer is integrally molded to the internal surface of the container.

60. The container of claim 52 wherein the anti-skinning layer adheres to the internal surface of the container.

61. The container of claim 52 wherein the anti-skinning layer is thermally bonded to the internal surface of the container.

62. The container of claim 52 wherein the container is adapted to contain 10ml to 50,000 liters of formulation.

63. The container of claim 52 wherein the formulation is prone to skinning.

64. The container of claim 63 wherein the formulation prone to skinning is selected from the group consisting of a latex based paint, an alkyd paint, a flat paint, a satin paint, a semi-gloss paint, a gloss paint, a varnish, a lacquer, a glue, a resin, and a water-based ink.

65. A container having an internal surface and an external surface adapted to contain a water-based formulation and its related vapors, the container comprising:

a container sealing means having an internal surface; and

an anti-skinning layer located on at least a portion of the internal surface of the sealing means, wherein the anti-skinning layer is capable of retaining a layer of the formulation without excluding the formulation vapor in the container from contacting the formulation.

66. The container of claim 65 wherein the formulation is a solvent-based formulation.

67. The container of claim 65 wherein:

the formulation has a certain concentration; and

the anti-skinning layer substantially maintains the concentration of any of the formulation retained on the anti-skinning layer.

68. The container of claim 65 wherein the anti-skinning layer substantially covers the internal surface of the surface means.

69. The container of claim 65 wherein the anti-skinning layer is textured.

70. The container of claim 65 wherein the anti-skinning layer is a gauze lining.

71. The container of claim 65 wherein the anti-skinning layer is a foam lining.

72. The container of claim 65 wherein the anti-skinning layer has insulative properties.

73. The container of claim 65 wherein the anti-skinning layer is integrally molded to the internal surface of the container.

74. The container of claim 65 wherein the anti-skinning layer adheres to the internal surface of the container.

75. The container of claim 65 wherein the anti-skinning layer is thermally bonded to the internal surface of the container.

76. The container of claim 65 wherein the container is adapted to contain 10ml to 50,000 liters of formulation.

77. The container of claim 65 wherein the sealing means is a resealable lid.

78. The container of claim 65 wherein the formulation is prone to skinning.

79. The container of claim 78 wherein the formulation prone to skinning is selected from the group consisting of a latex based paint, an alkyd paint, a flat paint, a satin paint, a semi-gloss paint, a gloss paint, a varnish, a lacquer, a glue, a resin, and a water-based ink.

80. The container of claim 65 further comprising a second anti-skinning layer, the second anti-skinning layer extending about at least a portion of the internal surface of the container and the formulation.

81. The container of claim 80 wherein the second anti-skinning layer is located between a circumferential lip of the container and the formulation.

82. The container of claim 80 wherein the second anti-skinning layer is textured.

83. The container of claim 80 wherein the second anti-skinning layer is integrally molded to the internal surface of the container.

84. The container of claim 80 wherein the second anti-skinning layer adheres to the internal surface of the container.

85. The container of claim 80 wherein the second anti-skinning layer is thermally bonded to the internal surface of the container.

86. The container of claim 80 wherein the second anti-skinning layer is an integrally molded series of space apart concentric ribs integrally molded to a plastics container between the top of the container proximate the sealing means to at least the formulation level.

87. The container of claim 86 wherein the integrally molded series of ribs extend from the top of the internal surface of the container proximate to the sealing means substantially to the container base.

88. A method for preventing skin formation on a water-based formulation, the method comprising the steps of:

placing the formulation in a container having an internal surface and an external surface adapted to contain the formulation and its related vapors wherein the container includes an anti-skinning layer located on at least a portion of the internal surface, and the anti-skinning layer is capable of retaining a layer of the formulation without excluding the formulation vapor in the container from contacting the formulation; and

storing the container.

89. The method of claim 88 wherein the formulation is a solvent-based formulation.

90. The method of claim 88 further comprising the step of transporting the formulation.

91. The method of claim 88 wherein the container further includes:

a sealing means having an internal surface; and

an anti-skinning layer located on at least a portion of the internal surface of the sealing means, wherein the anti-skinning layer is capable of retaining a layer of the formulation without excluding the formulation vapor in the container from contacting the formulation.

92. The method of claim 91 wherein the container further includes a second anti-skinning layer, the second anti-skinning layer extending about at least a portion of the internal surface of the container and the formulation.

93. A sealing means adapted to substantially control skinning of water-based formulations in which the sealing means includes an anti-skinning layer and an inner surface, the layer being located on at least a portion of the inner surface, wherein the anti-skinning layer when in use on a container adapted to contain a water-based solvent formulation and its related vapors is capable of retaining a layer of the formulation without excluding the formulation vapor in the container from contracting the formulation.

94. The sealing means of claim 93 wherein the formulations are solvent-based formulations.

95. The sealing means of claim 93 wherein:
the formulation has a certain concentration; and
the anti-skinning layer substantially maintains the concentration of the formulation retained on the anti-skinning layer.

96. The sealing means of claim 93 wherein the anti-skinning layer is textured.

97. The sealing means of claim 93 wherein the anti-skinning layer is a gauze lining.

98. The sealing means of claim 93 wherein the anti-skinning layer is a foam lining.

99. The sealing means of claim 93 wherein the anti-skinning layer has insulative properties.

100. The sealing means of claim 93 wherein the anti-skinning layer has a thickness of approximately 0.001 mm to 5 cm.

101. The sealing means of claim 93 wherein the anti-skinning layer is integrally molded to the internal surface of the container.

102. The sealing means of claim 93 wherein the anti-skinning layer adheres to the internal surface of the container.

103. The sealing means of claim 93 wherein the anti-skinning layer is thermally bonded to the internal surface of the container.

104. The sealing means of claim 93 wherein:
the inner surface of the sealing means layer includes a surface area; and
the anti-skinning layer covers substantially the entire surface area of the internal surface of the sealing means.

105. The sealing means of claim 93 wherein the sealing means is a resealable lid.

106. A container having an internal surface, an external surface and a sealing means wherein:

the container is adapted to contain a water-based formulation prone to skinning by loss of water;

at least a portion of the internal surface of the container has a means capable of retaining a layer of the formulation and its related vapors without excluding the formulation vapor in the container from contacting the formulation.

107. The container of claim 106 wherein the formulation is solvent based and the formulation is prone to skinning as the result of the loss of solvent.

108. The container of claim 106 wherein the sealing means substantially maintains the water concentration of the layer of formulation retained.

109. The container of claim 107 wherein the sealing means substantially maintains the solvent concentration of the layer of formulation retained.

110. The container of claim 106 wherein the sealing means has a thickness of approximately 0.001 to 5 mm thick.

111. The container of claim 106 wherein the anti-skinning layer substantially covers the internal surface of the sealing means.

112. The container of claim 106 wherein the anti-skinning layer is textured.

113. The container of claim 106 wherein the anti-skinning layer is a gauze lining.

114. The container of claim 106 wherein the anti-skinning layer is a foam lining.

115. The container of claim 106 wherein the anti-skinning layer has insulative properties.

116. The container of claim 106 wherein the anti-skinning layer is integrally molded to the internal surface of the container.

117. The container of claim 106 wherein the anti-skinning layer adheres to the internal surface of the container.

118. The container of claim 106 wherein the anti-skinning layer is constructed of material selected from the group consisting of woven polyolefin cloth, unwoven polyolefin cloth, gauze, artificial grass matting and glass fiber felt.

119. The container of claim 106 wherein the anti-skinning layer is thermally bonded to a plastics sealing means.

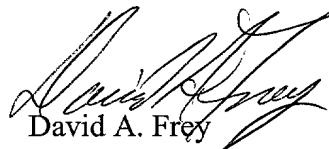
120. The container of claim 119 wherein the plastic sealing means is a resealable lid.

REMARKS

The new claims are necessary to place the claims in the PCT application in proper format for examination in the U.S. No new matter is added.

This application is believed to be in condition for allowance and early favorable action is requested. The Examiner is requested to call the undersigned attorney if that would be helpful in resolving any minor matter which might remain.

Respectfully submitted,



David A. Frey
Registration No. 43,618

Dated: MAY 2, 2001
Telephone: (312) 201-2786

3/12/00

METHOD OF PACKAGING
SOLVENT OR WATER BASED FORMULATIONS TO REDUCE SKINNING

Field of the Invention

5 (0001) The present invention relates generally to a method of packaging water or solvent based formulations, such as paints, resins and glues. In particular the present invention relates to a method of packaging such formulations which minimizes skinning of the formulation on the internal surfaces of containers in which the formulation is stored.

Background of the Invention

10 (0002) It is known to store water-based or solvent-based formulations in containers. Such containers have a lid or sealing means to isolate the formulation from the surrounding atmosphere.

(0003) Commercially available paints are generally stored in a number of different sized containers. The container size may range from ten milliliters through to 50,000 liters.

15 (0004) Paint containers which contain approximately 1 liter through to 50,000 liters of a paint formulation are vulnerable to the forming of a skin on the internal surfaces of the container upon storage. The skin is a film of paint which is in contact with the lid and typically the upper internal side of the paint container. The skinning of paints in paint containers is a recognized problem in the industry and occurs in containers made out of plastics or metals. If the skinning
20 is quite considerable it may be necessary in some instances to sieve the paint formulation to remove the skin prior to using the paint.

(0005) Skinning on the surface of solvent based (alkyd) paint has been known for many decades. The mechanism is known to involve the uptake of oxygen leading to the oxidative

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IPEA/AU

cross-linking (skinning) of the paint. There are various additives that are known which can be used in alkyd paints to inhibit premature crosslinking.

(0006) Typically, volatile oximes are used to chelate to the polymerisation catalysts (typically transition metals, such as cobalt, salts of organic acids such as octanoic acid or naphthenic acid) and inhibit the activity in the wet state. Methyl ethyl ketoxime is commonly used as an anti-skin additive in alkyd paints.

(0007) Otherwise, means or methods of preventing or reducing skinning of paints in containers are unknown, other than the impractical and hazardous method of excluding the formulation vapor from the containers.

(0008) The skinning of paint is particularly pronounced when paint containers are stored under varying external temperature conditions. The occurrence of skinning has been found to be more prevalent during the warmer conditions of summer.

(0009) It is an object of the present invention to alleviate some of the skinning difficulties experienced in the paint industry, or to at least provide the public with a useful choice.

(0010) The terms "anti-skinning" and "prone to skinning" as used throughout this specification are to be construed to include instances of skinning that occur by water or solvent loss from the formulation. These terms are not to be construed to include instances of skinning involving the uptake of oxygen leading to the oxidative cross-linking of the formulation.

Summary of the Invention

(0011) The present invention provides a container, which is adapted to contain a water-based or solvent-based formulation, the container including:

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an anti-skinning layer located on at least a portion of the internal surface of the container and the formulation, wherein the anti-skinning layer is capable of retaining a layer of the formulation without excluding the formulation vapor in the container from contacting the formulation.

5 (0012) The anti-skinning layer substantially maintains the water or solvent concentration of a portion of the formulation retained on the anti-skinning layer. In one embodiment of the invention, the anti-skinning layer is textured, porous, fibrous, filamentous, a gauze, or foam lining. The anti-skinning layer may also have insulative properties.

(0013) In another embodiment, the anti-skinning layer is integrally molded into the internal surface of the container.

(0014) The container suitable for use with the invention may contain anywhere from approximately 10 ml to 50,000 liters of formulation.

(0015) The water-based or solvent-based formulation is a formulation prone to skinning. Such formulation may be, but is not limited to, a latex based paint, an alkyd paint, a flat, a satin, a semi-gloss or a gloss paint, a varnish, a lacquer, a glue or resin such a PVA™, a resin emulsion or a water based ink.

20 (0016) In another aspect, the present invention provides a container which is adapted to contain a water based or solvent based formulation, the container including a container sealing means including an anti-skinning layer located on at least a portion of the internal surface of the sealing means, wherein the anti-skinning layer is capable of retaining a layer of the formulation without excluding the formulation vapor in the container from contacting the formulation.

(0017) In one embodiment of the invention, the anti-skinning layer substantially maintains the water or solvent concentration of a portion of the formulation retained on the anti-skinning layer.

(0018) In still another embodiment, the anti-skinning layer may be textured, porous, fibrous, filamentous a gauze, or foam lining. It may also have insulative properties.

(0019) In another embodiment, the anti-skinning layer is located on the internal surface of the sealing means and integrally molded with the container sealing means.

(0020) The container utilized with the anti-skinning layer may contain anywhere from apporximately 10 ml to 50,000 liters of formulation, and the sealing means is a resealable lid.

(0021) In another aspect of the present invention there is provided a container adapted to contain a water-based or solvent-based formulation and a container sealing means as described above, the container being further adapted to include a second anti-skinning layer on the internal surface of the container.

(0022) In one embodiment, the second anti-skinning layer is textured. In another embodiment, the second anti-skinning layer is integrally molded into the container, while in still another embodiment, the second anti-skinning layer is located between the circumferential lip of the container and the formulation.

(0023) The second anti-skinning layer may be an integrally molded series of spaced apart concentric ribs molded into a plastics container between the top of the container proximate the sealing means to at least the formulation level.

(0024) In another embodiment of the invention, the texturing extends at least 1-10 microns (0.001 - 0.01 mm) from the internal surface of the container.

(0025) In a further aspect of the present invention there is provided a method of preventing skin formation on a water based or solvent based formulation, the method including the steps of placing the water based or solvent based formulation in a container as described above, and storing or transporting the formulation.

5 (0026) The anti-skinning layer may be textured, have insulative properties and be located proximate the internal surface of the sealing means.

(0027) The container may contain between 10 ml to 50,000 liters of formulation, and the sealing means may also be a resealable lid.

10 (0028) In a further aspect of the present invention there is provided a sealing means, the sealing means being adapted to substantially control skinning of water based or solvent based formulations, in which the sealing means includes an anti-skinning layer in which the layer is located on at least a portion of the inner surface of the sealing means, wherein the anti-skinning layer when in use on a container is adapted to contain a water-based or solvent based formulation, is capable of retaining a layer of the formulation without excluding the formulation vapor in the container from contacting the formulation.

15 (0029) In one embodiment of the invention, the anti-skinning layer may be approximately 0.001 millimeters to 5 centimeters thick. Such layer may be textured and located on the internal surface of the sealing means.

20 (0030) In still another embodiment, the anti-skinning layer covers substantially the entire surface area of the internal surface of the sealing means, and the sealing means is a resealable lid.

(0031) In a further aspect the present invention provides a container including a sealing means, in which the container is adapted to contain a formulation prone to skinning by loss of

water or solvent, wherein at least a portion of the internal surface of the container in proximity with the ullage space of the container has a means of retaining a layer of the formulation, without excluding the formulation vapor in the container from contacting the formulation.

(0032) In one embodiment, the means is a textured anti-skinning layer from 0.001 to

5 5 mm thick, which substantially covers the internal surface of the sealing means.

(0033) In another embodiment, the anti-skinning layer is porous, has insulative properties and is integrally molded onto the internal surface of the sealing means.

(0034) In still another embodiment, the anti-skinning layer is selected from a group consisting of woven or unwoven polyolefin cloth or gauze, artificial grass matting and glass fiber felt and is thermally bonded to a plastics sealing means.

(0035) The term "insulative properties", as used in this specification with reference to the anti-skinning layer, is used to refer to a layer that has the properties of reducing temperature and concentration differentials within the container interior, and modulating heat transfer between the environment and the container interior.

(0036) Further aspects of the present invention will become apparent from the following description given by way of example and with reference to any one of the following figures, in which:

(0037) Figure 1 illustrates a container adapted to contain a water or solvent based formulation and a lid means comprising a lid liner.

(0038) Figure 2 illustrates the internal surface of a lid means including a lid liner.

(0039) Figure 3 illustrates a textured pattern on the internal surface of a lid.

(0040) Figure 4 illustrates an alternative textured pattern on the internal surface of a lid.

Detailed Description of the Invention

(0041) A solvent or water based formulation container 1 is illustrated in Figure 1. In one embodiment of the invention, the container comprises substantially upright walls 2 and a base means 3. A water based or solvent based formulation 4 is contained within the container. In another embodiment, the formulation substantially fills the container. The container may be adapted to contain approximately 10 ml to 50,000 liters of formulation 4.

(0042) A sealing means or lid 5 is adapted to cover the formulation 4 in the container 1 and to substantially exclude ingress of the external atmosphere into the internal compounds of the container and loss of the internal atmosphere out of the container. In one embodiment, the container lid is adapted to be substantially airtight when located securely on the container.

(0043) An internal surface layer or lining 6 located on the lid is illustrated in Figure 1. The layer or lining 6 may substantially covers the entire internal surface of the lid means. In some instances there may be an ullage or space 7, between the formulation 4 and the lid liner 6. The internal surface of the container 8 can be either in contact with the formulation or in contact with the vapor of the formulation as shown in Figure 1.

(0044) In Figure 2 the inner surface of the lid 5 is illustrated with a covering liner 6.

(0045) During storage of containers of formulations of solvent or water based mixtures, the container 2, the formulation 4, the ullage 7 and the lid means 5 all form part of a system which is vulnerable to temperature changes. When the surrounding environment of the container is constant, the temperatures of the container, the formulation and the ullage space is substantially equal to the temperature of the external environment. The vapor arising from the formulation is maintained in the ullage space between the internal surface of the lid and the body

of the formulation. It has been established that no skinning occurs under conditions whereby the temperature of the container, the body of the formulation and ullage space are at equilibrium. To maintain such a temperature equilibrium from the time of filling the container to storage and ultimately to the time just prior to the use of the formulation would require very expensive atmospheric control means.

(0046) However, when the temperature of the external environment increases, for example, where the container is sitting in sunlight, the external surface of the container and lid can increase while the corresponding temperature of the formulation within the container, the vapor in the ullage 7, and the lid surface can be substantially different. The temperature of the lid 5 and the adjacent formulation vapor in the ullage 7 increases in temperature more quickly than the body of the formulation 4. A temperature gradient may be created between the lid and the body of the formulation.

(0047) It has been established that under conditions of storage of containers 1 where the temperature of the external atmosphere is not maintained at a steady state, the formulation has a tendency to skin proximate to the lid of the container. This is thought to arise because of the temperature gradient and thereby concentration gradient of vapor existing between the lid and the formulation.

(0048) In a closed and substantially watertight container there is only limited scope for the drying of paint. Under equilibrium conditions the air in the ullage space 7 is saturated with a concentration of water or solvent vapor, which depends on the composition of the paint or formulation. Generally, for a water based formulation the concentration of water vapor is above 90%. Skinning of paint does not normally occur under these conditions. It has been established

that pails of paint stored at $25\pm 2^{\circ}\text{C}$ for 3 months have not skinned. However, pails of the same paint skinned, when subjected to a single heating cycle exceeding about 5°C . It has been found that the greater the heating step, the greater the degree of skinning.

(0049) The temperature gradients create concentration gradients of water or solvent vapor. The air proximate to the layer of formulation on the lid becomes dry when the lid is heated and water is lost from the layer of paint.

(0050) In typical storage conditions it is difficult and expensive to maintain temperature to within one or two degrees Centigrade. However the issue is the rate of change of temperature, where sudden changes are worse than gradual changes. Lids are prone to skinning because they have only weak thermal coupling to the body of paint, the main heat reservoir. Lids are forced to follow ambient temperatures, while the paint in the body of the container responds more sluggishly to temperature changes. Metal containers have better thermal conduction properties than do typical plastic containers. Temperature differentials are generally less for metal containers than they are for plastic containers. Metal containers are known to be less prone to skinning.

(0051) While the mechanism of skinning is as discussed there are two additional aspects. One is that by retaining a thicker layer of paint on the inner surface of container there is better thermal coupling to the body of paint. This acts to reduce the temperature differential that occurs between the lid and the body of paint or formulation. Some paints are inherently thicker than others and will naturally form thicker films which are less prone to skinning under these conditions. Another aspect of the mechanism is that the evaporation of water or solvent vapor from the paint acts to carry away heat, which also acts to reduce the temperature differential.

Both these additional effects are only effective as long as the layer of paint remains substantially fluid. By retaining a thicker layer of paint, and thereby a greater concentration of water or solvent proximate the inner surfaces of both the container, around the ullage space, and proximate the internal surface of the lid, the time of wetness is prolonged compared to that
5 observed with conventional lid surfaces. This provides a method of extended thermodynamic cooling because of evaporation of the water or solvent from the thicker layer of retained formulation.

(0052) Additionally, it is thought that the thermal conductivity is greater between the lid and thicker layer of retained formulation and the bulk of the formulation.

(0053) In order to minimize the concentration and temperature gradient arising under conditions whereby the external temperature of the container 1 is not maintained at a constant value, it has been found that the incorporation of a textured, porous, fibrous, filamentous, gauze or foam-like layer of approximately 0.001 to 5 mm either suspended between the lid and formulation or located on or integrated with the internal surface of the lid can control skinning. The results of a particular experiment illustrating the effects of the skinning control measures achieved from various linings are illustrated in the following examples.

(0054) Example 1 - Pails of water based high solids acrylic undercoat were placed in an incubator at 40°C for one day. The initial temperature of the containers was conditioned to 24°C. The container contained 10 liters of formulation. A container, comprising a non-lined lid
20 was used as a reference. The amount of skin formed in the reference container was 11.2 grams. The degree of skinning was determined by removing the skin off the lid with a soft brush under

water into a 500 µm test sieve. The skin which was collected was spun dry, weighed and bottled for future reference.

(0055) The lid liners that were compared are illustrated in the following table.

<u>Lid Lining Means</u>	<u>Skin Percentage</u>
Untreated container (reference)	100%
Plastic sheet lid liner ¹	38%
Container insulation ²	22%
Internal polystyrene float	17%
Fiberglass gauze on lid	3%

¹ The single ply plastic sheet tested was 75 micron polyethylene, 75g per square meter per ply.

² Insulation means included the likes of cardboard, paper, cardboard laminated with aluminum foil, bubble wrap and aluminum foil, fiberglass laminated with aluminum foil.

(0056) Example 2 - As in Example 1 a test with the plastic sheet was repeated. In this instance the plastic sheet (1 or 2 ply) was suspended between the lid and the formulation surface. With 1 ply the skinning reduced to 20% and with 2 ply to slightly less than 20%.

(0057) Example 3 - As in Example 1 a nylon gauze of 200 micron aperture size, 230 micron gauge thickness and 100g per square meter was fixed against the lid of a container. The nylon gauze layer was attached to the inner surface of the lid using hot melt adhesive. There was a gap of approximately 0.5 to 1mm between the gauze and the lid. This gap and gauze was observed to retain significant amounts of paint approximately 1-3mm. The skinning results were reduced to approximately 3%.

(0058) Example 4 - As in Example 3, spun glass fiber felt of 500 microns thick and 160g per square meter was attached with hot melt adhesive to the lid. The skinning results were reduced to approximately 3%.

(0059) Example 5 - A polystyrene float of 2.5 cm thick and 360g per square meter was cut out to substantially cover the surface of the formulation. The float was substantially immersed in the formulation and allowed to float on the top surface of the formulation. The skinning results were reduced to approximately 3%.

(0060) Example 6 - An integrally molded plastics lid having an integrally molded textured or profiled inner plastics surface, in which the texture is approximately 0.5 - 1.0 mm in thickness and substantially covering the entire area of the inner surface was investigated. The skinning results using the method of Example 1 were reduced to approximately 18-27%. The degree of skinning has been found to vary depending on the pattern of texturing molded onto the surface. The textured patterns trialed include a spiral groove producing a textured pattern shown in Figure 3 and a double spiral groove producing a textured pattern as illustrated in Figure 4.

(0061) Example 7 - Sandblasted, scratched or sanded internal plastics surfaces were also trialed under conditions as in Example 1. A reduction in skinning of between 25-40% compared to an unmodified smooth internal plastics surface was achieved.

(0062) Example 8 - An integrally molded polypropylene cloth or gauze on the internal surface of a plastics lid gave complete prevention of skinning under the method described in Example 1.

(0063) The polypropylene cloth used in this example has a nominal thickness of 1.5mm. It has been established that when this polypropylene cloth is compressed that the thickness is less

than about 0.2mm. The effective thickness of the polypropylene cloth on the lid is estimated to be about 0.2mm, when the lid and cloth are injection molded together. It has been established that the thickness of the polypropylene cloth may be varied considerably. However, during the trials there was always sufficient texture or cloth remaining exposed even in the most
5 significantly polypropylene bonded injection molded lid conferring near complete resistance to formulation skinning under the conditions described in Example 1.

(0064) The polypropylene cloth employed had a weight of 410 grams per square meter and is composed of fibers having a typical diameter of 40 microns. The weave of the polypropylene would be considered to someone skilled in the art as being a fairly coarse weave and having a rather random pattern of weave.

(0065) Several varieties and types of cloth have been tested and all have the desired effect of entraining a layer of paint against the fibers/texture of the cloth and thereby reducing skinning.

(0066) Example 9 - A layer of polypropylene artificial grass matting (Astroturf™) adhered to an internal surface of a plastics lid has also been found to give complete prevention of skinning when used in the method of Example 1.

(0067) Example 10 - A trial was also conducted using a plastics 10L container wherein the internal side walls of the container were textured with a polypropylene cloth adhered to the side walls of the container.

20 (0068) Two ten liters pails full of paint (an acrylic primer undercoat of high solids) were employed for this example. Both pails used polypropylene cloth fused to the lid during injection molding as described in Example 8 above.

(0069) The internal side walls of one pail body were unmodified, while the other pail body had a 4cm wide strip of polypropylene cloth hot melt glued to the internal side wall of the pail, about 3cm of which remained above the paint level held in the pail. Essentially, the internal space of the pail body corresponding to the ullage was modified by the adhering of the polypropylene strip to the wall. The paint for both pails was conditioned to 25°C.. The pails were filled with the paint, the lids attached and the pails inverted and shaken for 30 seconds to thoroughly wet all internal surfaces. The pails were then placed in an incubator at 40°C for two days.

(0070) The first pail with the polypropylene cloth modified lid and the unmodified pail body produced traces of less than 0.1 gram of paint on the lid and approximately 5.9 grams of skin from the internal side walls of the pail, principally in the ullage space.

(0071) The other test pail where the internal side walls of the pail were modified by including the polypropylene strip resulted in no trace of skinning. Furthermore, there was no skin on the exposed flanges. The internal flanges of the pail were not covered with polypropylene cloth. This result was somewhat surprising, given that the flanges are approximately a 5mm flat face and traditionally prone to skinning.

(0072) This result supports that there appears to be a measure of projected humidification from the cloth areas preventing the skinning of paint at these positions.

(0073) These results can be compared to those where the same trial was conducted using an unmodified pail and an unmodified lid. Under equivalent conditions described above, approximately 15-25gms of skin formed on the lid and the pail. On the lid 10-15gms of skin would form, while on the internal side walls of the pail approximately 5-10gms of skin formed.

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(0074) The examples illustrate that the combinations of control measures provide substantial improvements in skinning control.

(0075) All the measures tested resulted in significantly less skin formulation arising from the formulation compared to the untreated container.

5 (0076) It is an advantage of the present invention that the degree of skinning on formulations of water based or solvent based products may be substantially controlled.

(0077) It has also been recognized during experimental trials that when using a textured anti-skinning layer that when conditions are severe or such that skinning does actually occur the layer of skinned paint is retained on the textured layer. The skinned paint does not fall into the body of the formulation as has been traditionally observed when using conventional formulation containers.

(0078) Where in the foregoing description reference has been made to integers or components having known equivalents, then such equivalents are herein incorporated as if individually set forth.

(0079) Although the invention has been described by way of example and with reference to possible embodiments it is to be appreciated that improvement and/or modifications may be made to these embodiments without departing from the scope of the invention.

(0080) A method for packaging water or solvent based formulations that includes a container adapted to contain a formulation in which an anti-skinning layer is located between at least a portion of an internal surface of the container or a lid and the formulation.

Doc. No.: 647275

AMENDED CLAIMS

[received by the International Bureau on 10 May 2000 (10.05.00);
original claims 1-44 replaced by new claims 1-51 (7 pages)]

1. A container adapted to contain a water based or solvent based formulation, the container including
 - 5 - an anti-skinning layer located on at least a portion of the internal surface of the container, wherein the anti-skinning layer is capable of retaining a layer of the formulation.
- 10 2 A container according to claim 1, wherein the anti-skinning layer substantially maintains the water or solvent concentration of any of the water or solvent based formulation retained on the anti-skinning layer.
- 15 3 A container according to claim 1 or claim 2 in which the anti-skinning layer is textured.
- 4 A container according to any one of claims 1 to 3, wherein the anti-skinning layer is porous, fibrous, filamentous, a gauze or foam lining.
- 20 5 A container according to any one of claims 1 to 4 in which the anti-skinning layer additionally has insulative properties.
- 25 6 A container according to any one of claims 1 to 5 in which the anti-skinning layer is integrally moulded or adhered onto the internal surface of the container.
- 7 A container according to any one of claims 1 to 5 in which the anti-skinning layer is thermally bonded onto the internal surface of the container.

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- 8 A container according to any one of claims 1 to 7 in which the container is adapted to contain approximately 10 ml to 50,000 litres of formulation.
- 5 9 A container according to any one of claims 1 to 8 in which the water based or solvent based formulation is a formulation prone to skinning.
- 10 10 A container according to claim 9 in which the formulation prone to skinning is a latex based paint, an alkyd paint, a flat, a satin, a semi-gloss or a gloss paint, a varnish, a lacquer, a glue or resin such as PVA™, a resin emulsion or a water based ink.
- 15 11 A container adapted to contain a water based or solvent based formulation, including
- 15 - a container sealing means including an anti-skinning layer located on at least a portion of the internal surface of the sealing means, wherein the anti-skinning layer is capable of retaining a layer of the formulation.
- 20 12 A container according to claim 11 wherein the anti-skinning layer substantially maintains the water or solvent concentration of any of the water or solvent based formulation retained on the anti-skinning layer.
- 25 13 A container according to claim 11 or claim 12, in which the anti-skinning layer substantially covers the internal surface of the sealing means.
- 30 14 A container according to any one of claims 11 to 13 in which the anti-skinning layer is textured.
- 15 A container according to any one of claim 11 to 14, in which the anti-

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skinning layer is porous, fibrous, filamentous, a gauze or foam lining.

- 16 A container containing according to any one of claims 11 to 15 in which the anti-skinning layer has insulative properties.

5

- 17 A container according to any one of claims 11 to 16 in which the anti-skinning layer is integrally moulded or adhered onto the container sealing means.

- 10 18 A container according to any one of claims 11 to 17 in which the anti-skinning layer is thermally bonded onto the internal surface of the container.

- 15 19 A container according to any one of claims 11 to 18 in which the container is adapted to contain approximately 10 ml to 50,000 litres of formulation.

- 20 20 A container according to any one of claims 11 to 19 in which the sealing means is a resealable lid.

20

- 21 A container according to any one of claims 11 to 20 in which the water based or solvent based formulation is prone to skinning.

- 25 22 A container according to claim 21 in which the formulation prone to skinning is a latex based paint, an alkyd paint, a flat, a satin, a semi-gloss or a gloss paint, a varnish, a lacquer, a glue or resin such as PVA™, a resin emulsion or a water based ink.

- 30 23 A container according to any one of claims 11 to 22, in which the container includes a second anti-skinning layer extending about at least a portion of the internal surface of the container and the formulation.

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- 24 A container according to claim 23, in which the second anti-skinning layer is located between the circumferential lip of the container and the formulation.
- 5
- 25 A container according to claim 23 or claim 24 in which the second anti-skinning layer is textured.
- 26 A container according to any one of claims 23 to 25, in which the second anti-skinning layer is integrally moulded or adhered onto the internal surface of the container.
- 10
- 27 A container according to any one of claims 23 to 26 in which the second anti-skinning layer is thermally bonded onto the internal surface of the container.
- 15
- 28 A container according to any one of claims 23 to 26 in which the second anti-skinning layer is an integrally moulded series of spaced apart concentric ribs integrally moulded into a plastics container between the top of the container proximate the sealing means to at least the formulation level.
- 20
- 29 A container according to claim 28 in which the integrally moulded series of ribs extend from the top of the internal surface of the container proximate to the sealing means substantially to the container base.
- 25
- 30 A method of preventing skin formation on a water based or solvent based formulation, the method including the steps of:
- 30
- placing the water based or solvent based formulation in a container according to any one of claims 1 to 29, and
 - storing or transporting the formulation.

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- 31 A sealing means adapted to substantially control skinning of water based or solvent based formulations, in which the sealing means includes an anti-skinning layer, in which the layer is located on at least a portion of the inner surface of the sealing means, wherein the anti-skinning layer, when in use on a container adapted to contain a water-based or solvent based formulation, is capable of retaining a layer of the formulation.
- 32 A sealing means according to claim 31 wherein the anti-skinning layer substantially maintains the water or solvent concentration of any of the water or solvent based formulation retained on the anti-skinning layer.
- 33 A sealing means according to claim 31 or claim 32 in which the anti-skinning layer is textured.
- 34 A sealing means according to any one of claims 31 to 33 in which the anti-skinning layer is porous, fibrous, filamentous, a gauze or foam lining.
- 35 A sealing means according to any one of claims 31 to 34 in which the anti-skinning layer has insulative properties.
- 36 A sealing means according to any one of claims 31 to 35 in which the anti-skinning layer is approximately 0.001 mm to 5 cm thick.
- 37 A sealing means according to any one of claims 31 to 36 in which the anti-skinning layer is integrally moulded or adhered onto the internal surface of the sealing means.

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- 38 A sealing means according to any one of claims 31 to 37 in which the anti-skinning layer is thermally bonded onto the internal surface of the sealing means.
- 5 39 A sealing means according to any one of claims 31 to 38 in which the anti-skinning layer covers substantially the entire surface area of the internal surface of the sealing means.
- 10 40 A sealing means according to any one of claims 31 to 39, in which the sealing means is a resealable lid.
- 15 41 A container including a sealing means, in which the container is adapted to contain a formulation prone to skinning wherein at least a portion of the internal surface of the container in proximity with the ullage space of the container has a means capable of retaining a layer of the formulation.
- 20 42 A container according to claim 41 wherein said means substantially maintains the water or solvent concentration of the layer of formulation retained.
- 25 43 A container according to claim 41 or claim 42 in which the means is an anti-skinning layer from 0.001 to 5 mm thick.
- 30 44 A container according to any one of claims 41 to 43 in which the anti-skinning layer substantially covers the internal surface of the sealing means.
- 45 A container according to claim 41 or claim 44 in which the anti-skinning layer is textured.
- 46 A container according to any one of claims 41 to 45 in which the

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anti-skinning layer is porous, fibrous, filamentous, a gauze or foam lining.

6 47 A container according to any one of claims 41 to 46 in which the anti-skinning layer has insulative properties.

10 48 A container according to any one of claims 41 to 47 in which the anti-skinning layer is integrally moulded or adhered to the internal surface of the sealing means.

15 49 A container according to any one of claims 41 to 48, in which the anti-skinning layer is selected from a group consisting of woven or unwoven polyolefin cloth or gauze, artificial grass matting and glass fibre felt.

20 50 A container according to claim 49 wherein the layer is thermally bonded to a plastics sealing means.

20 51 A container according to claim 50 wherein the plastics sealing means is a resealable lid.

AMENDED SHEET (ARTICLE 19)

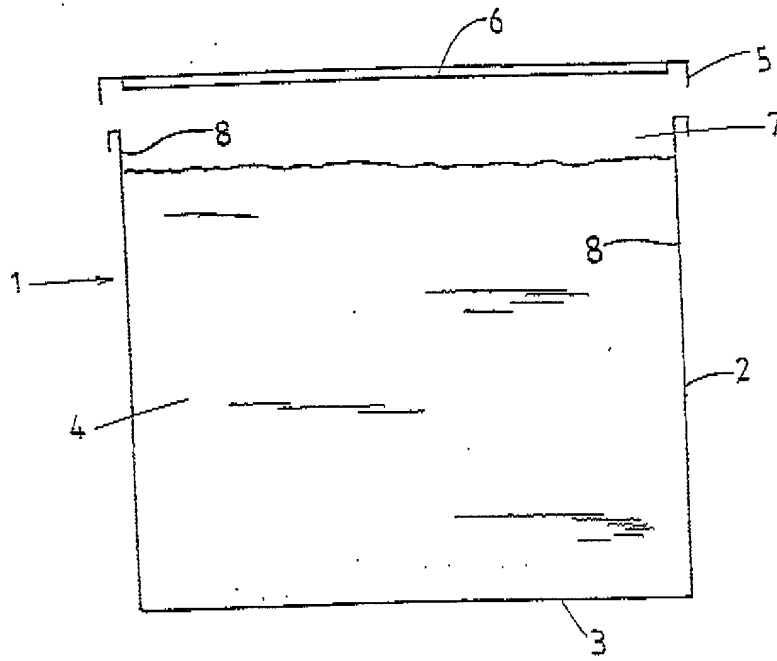


FIG. 1

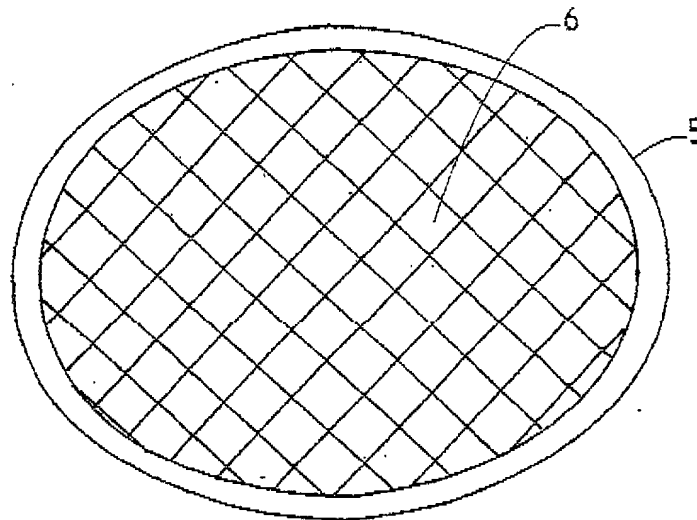
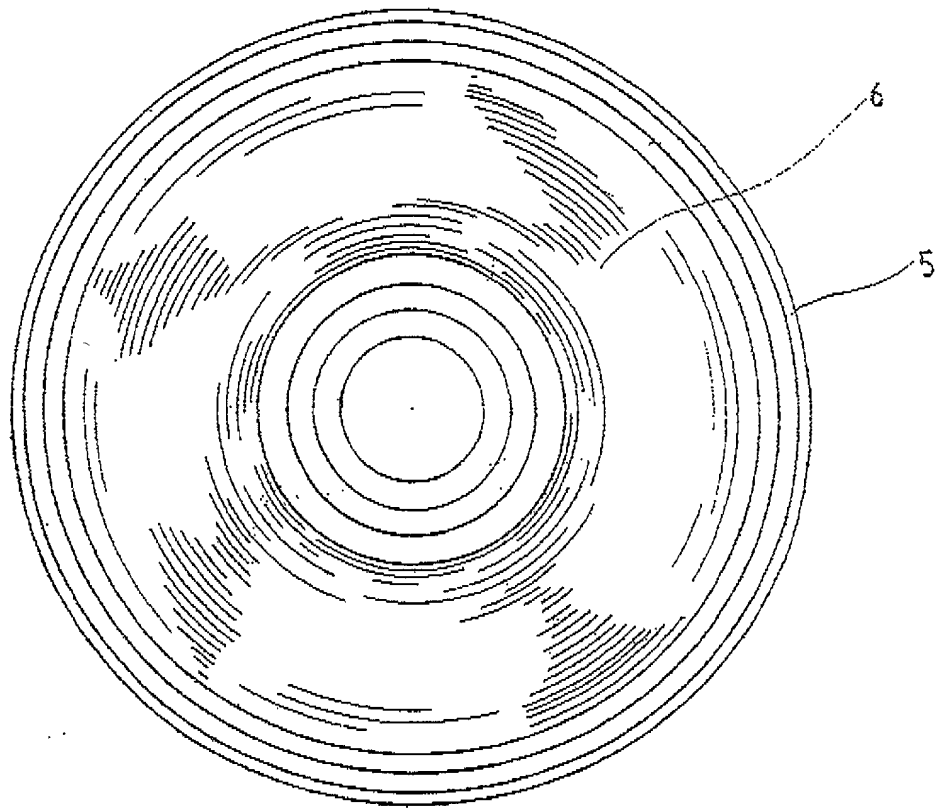


FIG. 2

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FIG. 3

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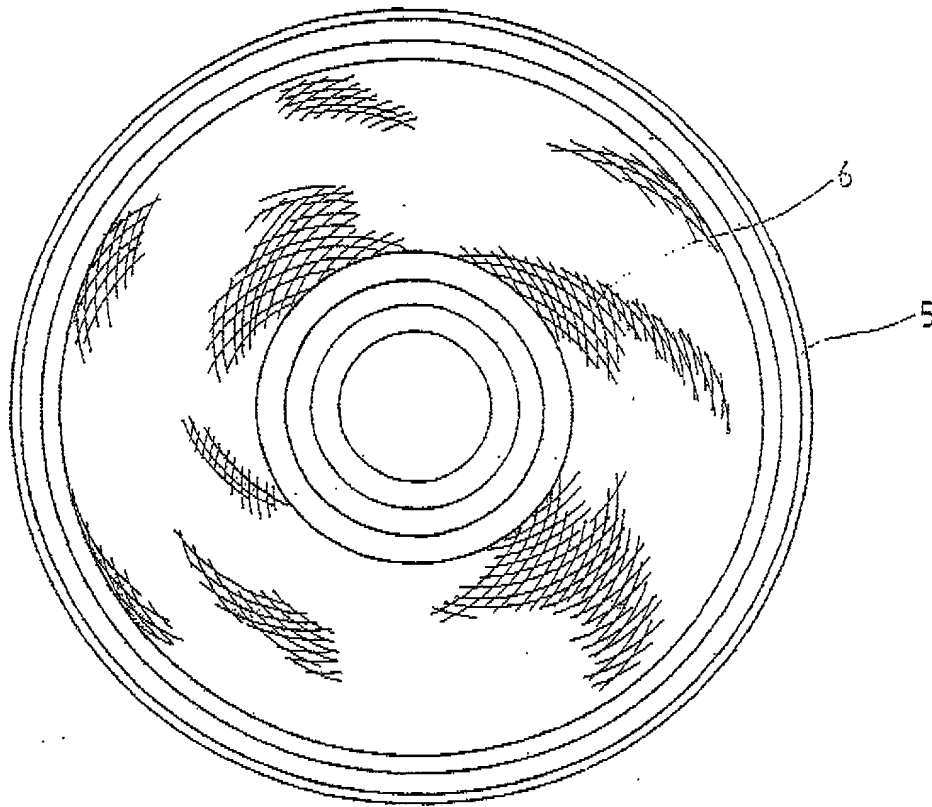


FIG. 4

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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

☐ Declaration Submitted with Initial Filing **OR** ☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	TJK/174
First Named Inventor	Antony Keith Van Dyk
COMPLETE IF KNOWN	
Application Number	09 / 831,489
Filing Date	May 9, 2001
Group Art Unit	
Examiner Name	

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD OF PACKAGING SOLVENT OR WATER BASED
FORMULATIONS TO REDUCE SKINNING**

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) **05/09/2001** as United States Application Number or PCT International

Application Number **09/831,489** and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
PCT/NZ99/00188 332735	PCT	11/10/99	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

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DECLARATION — Utility or Design Patent ApplicationDirect all correspondence to: ☐ Customer Number OR ☒ Correspondence address belowName Timothy J. KeeferAddress Wildman, Harrold, Allen & Dixon
225 West Wacker DriveCity ChicagoState ILZIP 60606Country U.S.A.Telephone 312/201-2000Fax 312/201-2555

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR: ☐ A petition has been filed for this unsigned inventorGiven Name Antony Keith
(first and middle [if any])Family Name Van Dyk
or SurnameInventor's
Signature Antony Van DykDate 2/7/2001Residence: City Upper HuttState NZCountry NZCitizenship NZMailing Address 16 Memphis Grove
Totara ParkNZCity Upper HuttState NZ

ZIP

Country NZNAME OF SECOND INVENTOR: ☐ A petition has been filed for this unsigned inventorGiven Name Colin
(first and middle [if any])Family Name Gooch
or SurnameInventor's
Signature Colin GoochDate 16/7/01Residence: City Upper HuttState NZCountry NZCitizenship BritishMailing Address 13 Akatarawa RoadNZCity Upper HuttState NZ

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Country NZ☐ Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

09/831489

TJK/174

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
 Antony Keith VAN DYK et al.)
)
 Application No. 09/831,489)
 Filing Date: May 9, 2001)
 POWER OF ATTORNEY

Assistant Commissioner for Patents
 Washington, D. C. 20231

Sir:

Antony Keith Van Dyk and Colin Gooch hereby appoint the following attorneys
 to prosecute and transact all business in the Patent and Trademark Office connected with
 the subject application:

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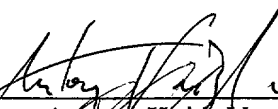
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Respectfully submitted,

Date: 2/7/2001

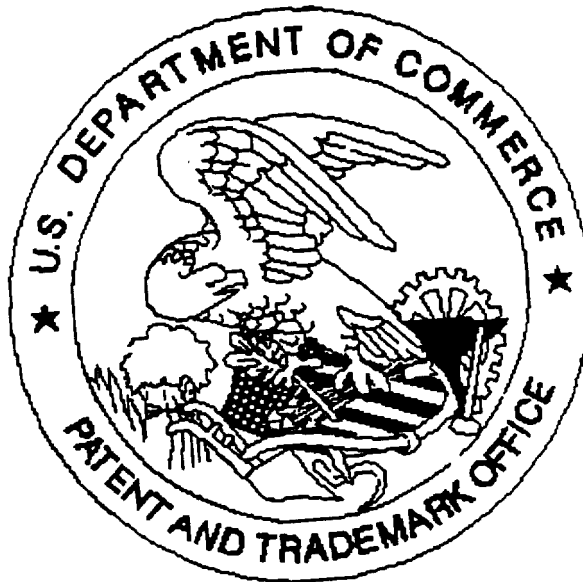
Date: 10/7/01

By: 
Antony Keith Van Dyk

By: 
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